

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference BUR920020118	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US02/41180	International filing date (day/month/year) 20 December 2002 (20.12.2002)	Priority date (day/month/year)
International Patent Classification (IPC) or national classification and IPC IPC(7): G01B 11/14 and US Cl.: 356/625		
Applicant INTERNATIONAL BUSINESS MACHINES CORPORATION		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 3 sheets, including this cover sheet.  
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_ sheets.

- This report contains indications relating to the following items:

- ☒ Basis of the report
- ☐ Priority
- ☐ Non-establishment of report with regard to novelty, inventive step and industrial applicability
- ☐ Lack of unity of invention
- ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Certain documents cited
- ☐ Certain defects in the international application
- ☐ Certain observations on the international application

Date of submission of the demand 14 July 2004 (14.07.2004)	Date of completion of this report 30 September 2004 (30.09.2004)
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer Zandra V. Smith Telephone No. (703) 305-0530 DEBORAH A. THOMAS PARALEGAL SPECIALIST GROUP 1300

**I. Basis of the report****1. With regard to the elements of the international application:\***

- ☐ the international application as originally filed.
- ☒ the description:  
pages 1-22 as originally filed  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_.
- ☒ the claims:  
pages 23-31, as originally filed  
pages NONE, as amended (together with any statement) under Article 19  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_.
- ☒ the drawings:  
pages 1-10, as originally filed  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_.
- ☐ the sequence listing part of the description:  
pages NONE, as originally filed  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_.

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

**4. ☐ The amendments have resulted in the cancellation of:**

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

**5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\***

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>1-28</u>	<u>YES</u>
	Claims <u>NONE</u>	<u>NO</u>
Inventive Step (IS)	Claims <u>1-28</u>	<u>YES</u>
	Claims <u>NONE</u>	<u>NO</u>
Industrial Applicability (IA)	Claims <u>1-28</u>	<u>YES</u>
	Claims <u>NONE</u>	<u>NO</u>

**2. CITATIONS AND EXPLANATIONS**

Claims 1-28 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a method for or computer program product for assessing a measurement system under test (MSUT) that includes measuring dimensions of a reference measurement system (RMS) to generate a first data set, calculating an RMS uncertainty from the first data set, measuring dimensions of a plurality of structures using the MSUT to produce a second data set, conducting a linear regression analysis of the first and second data sets and determining total measurement uncertainty for the MSUT by removing the RMS uncertainty from the net residual error, repeating the steps to optimize the MSUT by determining optimal measurement parameters based on a minimal total measurement uncertainty

Claims 1-28 meet the criteria set out in PCT Article 33(4), and thus meet industrial applicability because the subject matter claimed can be made or used in industry.

----- NEW CITATIONS -----

CO PTO

10 FEB 2005

10/524283

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US02/41180

## A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : G01B 11/14

US CL : 356/625

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 356/625

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched  
NONE

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
Please See Continuation Sheet

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 6,055,045 A (WEILL et al.) 22 April 2000, 22-04-2000, see entire document.	1-28
A	US 5,835,227 A (GRODNENSKY et al.) 10 November 1998, 10-11-1998, see entire document.	1-28

☐

Further documents are listed in the continuation of Box C.

☐

See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T"

later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X"

document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y"

document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&"

document member of the same patent family

Date of the actual completion of the international search

11 April 2003 (11.04.2003)

Date of mailing of the international search report

03 JUL 2003

Name and mailing address of the ISA/US

Commissioner of Patents and Trademarks  
Box PCT  
Washington, D.C. 20231

Facsimile No. (703)305-3230

Authorized officer

Zandra V. Smith

Telephone No. (703) 305-0530

Shawn J. Hoppe